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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/964,600

09/28/2001

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EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

01/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/964,600

Applicant(s)

KAWAHARA ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14, 16, 19, 22, 26-29, 32-34 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14, 16, 19, 22, 26-29, 32-34 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/30/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 14, 16, 19, 22, 26-29, 32-34 and 37 have been examined. Application 09/964,600 (PORTABLE TERMINAL DEVICE FOR PROVIDING AND OBTAINING ADVERTISEMENT INFORMATION, ADVERTISEMENT PROVIDING METHOD, ADVERTISEMENT OBTAINING METHOD, ADVERTISEMENT DISTRIBUTING METHOD AND PROGRAM THEREFOR) has a filing date 09/28/2001 and foreign priority 06/04/2001.

Response to Amendment

2. In response to Non Final Rejection filed 06/18/2007, the Applicant filed an Amendment on 10/18/2007, which amended claims 1, 14, 22, 28, 32, and cancel claims 20, 21, 23-25, 30, 31, 35 and 36. Applicant's amendment overcame the Claim objections and the Section 112 rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14, 16, 19, 22, 26-29, 32-34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan (US 2002/0160759).

As per claim 1, Pradhan teaches:

An advertisement distributing method of a server providing advertising information, comprising:

receiving user-specified information about an advertisement medium person having goods on or with and a retrieval condition of goods from a portable terminal device of a consumer, *said receiving being at the server connected with said portal terminal device of the consumer* through a network (see paragraphs 45-49; 90 and 120);

specifying the advertisement medium person corresponding to the received user-specified information based on user specified information of a plurality of advertisement medium persons stored in a storage device in advance, and retrieving, from the advertising information of a plurality of goods stored in the storage device, advertising information of goods corresponding to the retrieval condition among goods associated with the specified advertisement medium person, *said specifying and said retrieving being executed by the server* (see paragraphs 48-50; 105-108, 120-123); and

distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network (see paragraph 7); wherein the advertising distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with (see paragraph 106, 123), and the portable terminal device of the consumer

receiving advertising information connected to the server via the network (see paragraph 7).

As per claim 14, Pradhan teaches:

A computer readable medium having a program stored therein for causing a computer to execute operation comprising:

receiving user-specified information about an advertisement medium person having goods on or with a retrieval condition of goods from a portable terminal device of a consumer, *said receiving being at the server connected with said portal terminal device of the consumer* through a network (see paragraphs 45-50; 90 and 120);

specifying the advertisement medium person corresponding to the received user-specified information based on user specified information of a plurality of advertisement medium persons stored in a storage device in advance, and retrieving, from the advertising information of a plurality of goods stored in the storage device, advertising information of goods corresponding to the retrieval condition among goods associated with the specified advertisement medium person, *said specifying and said retrieving being executed by the server* (see paragraphs 105-108 and 120-123); and

distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network; wherein the advertising distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with (see paragraphs 106 and 123), and the portable terminal device of the consumer receiving advertising information connected to the server via the network (see paragraph 7).

As per claim 16, Pradhan teaches:

The advertisement distributing method of claim 1, comprising:

receiving a user entry of the person having the goods on or with (see paragraph 99) and

distributing the advertising information about the goods obtained by said retrieving to a portable terminal device of person (see paragraph 99), and

requesting transmission of the advertising information or transmitting the advertising information between the portable terminal device of the person and the portable terminal device of the consumer (see figure 1).

As per claim 19, Pradhan teaches:

The method according to claim 1, wherein said user information comprises user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information (see paragraph 7).

As per claim 22, Pradhan teaches:

A advertisement distributing method *of a server providing advertising information* comprising:

receiving from portable terminal device of a consumer through a network, plurality of user-specified information about an advertisement medium person having goods on or with, a profile of the advertisement medium person and a retrieval condition of goods (see paragraphs 99-106);

specifying the advertisement medium person corresponding to the received user-specified information and the profile based on data of user specified information and a profile information of a plurality of advertisement medium person stored in storage device in advance, and retrieving from advertising information of goods corresponding to the retrieval condition among goods associated with the advertisement medium person specified (see paragraphs 99-106);

distributing the advertising information obtained by said retrieving (see figure 1).

As per claim 26, Pradhan teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of person having goods on or with said persons and goods search conditions (see figure 1 and paragraph 125);

determining, based on information about the person, an advertisement medium person having user identification information, corresponding to the received user identifying information (see paragraph 120),

finding from the storage unit, advertising information of goods conforming to the received goods search conditions among the goods associated with the advertisement medium person (see paragraph 120); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 115).

As per claim 27, Pradhan teaches:

The advertising information delivery method for use with a server device and according to claim 26, wherein: the user identifying information of the plurality of said persons acting as advertisement medium is received a plurality of times (see paragraph 7);

the user identifying information which has been contained every time in the received user identifying information is determined (see paragraph 7); and

the advertising information of the goods conforming to the received goods search conditions among the goods associated with said person corresponding to the determined user identifying information is found (see paragraph 125).

As per claim 28, Pradhan teaches:

An advertising information acquiring method for enabling a portable terminal device of a consumer to acquire advertising information from a server device via a network, comprising:

receiving from other portable terminal devices, which are carried by persons having goods on or with, user identifying information of the persons (see figure 1 and paragraph 106)

obtaining an input of the consumer specifying goods search conditions (see paragraph 114);

transmitting to the server device, a reviewing request including both the user identifying information and the goods search conditions (see paragraphs 114);

specifying, by the server device, an advertisement medium person corresponding to the received user identifying information of said persons stored in advance, and

retrieving advertising information of goods corresponding to the goods search conditions (see paragraph 114);

acquiring the advertising information of goods retrieved by the server device, said advertising information of goods corresponding to said goods search conditions (see paragraphs 45-49) and

distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network (see paragraph 115), *wherein the advertising information of goods corresponds to an advertisement medium person who corresponds to said user identifying information (see paragraphs 105-107).*

As per claim 29, Pradhan teaches:

the user identifying information is received from the portable terminal devices a plurality of times (see paragraph 114); and

the user identifying information and goods search conditions received a plurality of times are transmitted to the server device to determine said one or more said persons (see paragraphs 114-115).

As per claim 32, Pradhan teaches:

An advertising information acquiring method for a portable terminal device of a consumer acquiring advertising information from a server device via a network comprising:

receiving user identification information of a plurality of persons, each having goods on or with, from a plurality of portable terminal devices carried by said persons (see paragraphs 105-107);

obtaining an input of the consumer specifying a profile for selectively determining said persons and a goods search conditions (see paragraph 7);

transmitting to the server device, a reviewing request which comprises the plurality of the user identifying information, the profile and the goods search conditions inputted from the consumer (see paragraphs 45-48), and

acquiring the advertising information delivered from the server side, said advertising information of goods corresponds to an advertising medium person who corresponds to said user identifying information and the profile (see paragraphs 45-50);

accepting the input of the consumer comprising the profile for specifying said persons and the goods search conditions (see paragraphs 114-115); and

transmitting the retrieving request comprises the plurality of the user identifying information, the profile and the goods search conditions to the server device (see paragraphs 114-115).

As per claim 33, Pradhan teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiving unit receiving from the portable terminal device of the consumer, a reviewing request, includes user identifying information of persons having goods on or with and goods search conditions (see paragraphs 105-106);

a searching unit determining, from information stored in a storage unit and containing user identifying information of plurality of persons (see paragraph 114), an advertisement medium person corresponding to the received user identifying

information, and finding, from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods associated with the determined person (see paragraph 114); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer via a network (see paragraph 115).

As per claim 34, Pradhan teaches:

The server advice according to claim 33, wherein:

the receiver unit receives the user identifying information every time when the user identifying information being received by the portable terminal device of the consumer a plurality of times (see paragraph 120); and

the searching unit determines the user identifying information contained every time among the user identifying information received a plurality of times by the receiver unit and finding the advertising information of the goods conforming to the received goods search conditions among the goods associated with said person corresponding to the determined the user identifying information (see paragraphs 114-115).

As per claim 37, Pradhan teaches:

A method of providing advertisement, comprising:

storing a predetermined advertisement on a portable terminal of a first user, said predetermined advertisement being transmitted from a provider of a product and identifying the product (see paragraph 114);

receiving user-specified information of the first user including a retrieval condition from a second user (see paragraph 7); and

retrieving said advertisement from the portable terminal of the first user responsive to receipt of the user-specified information and said retrieval condition from the second user and transmitting said advertisement to a device of the second user, thereby enabling the first user to provide said advertisement on behalf of the provider of the product (see paragraphs 105-106).

Response to Arguments

4. Applicant's arguments filed 10/18/2007 have been fully considered but they are not persuasive. The Applicant argues that Pradhan does not teach "receiving at the server user specified information about an advertisement medium person having goods on or with and a retrieval condition". The Examiner answers that Pradhan teaches in paragraph 48 an advertisement protocol management server that may adapted to act as an advertisement broker device adapted to receive one of i) an advertisement or ii) a reply to an advertisement and to forward the received (i) or (ii) to a remote telecommunication device, the server being adapted to modify the received (i) or (ii) so as to ensure no telecommunications address is passed with the (i) or (ii) that is transmitted to the server. Pradhan also teaches in paragraph 106 that advertisers may pay some people to carry their advertisements and broadcast it, where a mobile advertiser station (i.e. mobile phone) is carried by a person (see paragraph 105). Furthermore, Pradhan teaches that mobile advertiser stations specify the categories of advertisements said mobile advertisers stations desired to transmit or receive to other mobile terminals (see paragraph 7). Therefore, contrary to Applicant's argument, Pradhan teaches receiving at a server user specified information (i.e. advertisement

characteristic profile) about an advertisement medium person having goods on or with and a retrieval condition.

The Applicant argues that Pradhan discusses transferring advertisement information between an advertiser phone and a consumer phone, however, according to the Applicant, the consumer phone is provided with information to filter the advertising information, and thus there is no need for the transmission from the terminal device of the consumer to the server to specify the advertisement. The Examiner answers that Pradhan teaches a protocol management server which may act as an advertisement broker adapted to receive one of (i) an advertisement or (ii) reply to an advertisement and to forward the received (i) or (ii) to a remote telecommunication device (see paragraph 48). Furthermore, Pradhan teaches that the server is used by the consumer to create a list of categories (i.e. profile) of acceptable advertisements to receive by said consumer's mobile device (see paragraph 61). Therefore, contrary to Applicant's argument, Pradhan teaches a consumer's mobile terminal transmitting to a server an advertisement profile of allowable advertisements by said consumer's mobile terminal.

The Applicant argues that Pradhan is only limited to transmitting the advertisement in association with a single recipient consumer telephone having a filter profile matching characteristics profile of the advertisement. The Examiner answers that the Applicant is arguing about limitation not stated in the claims.

The Applicant argues that Pradhan does not teach "retrieving said advertisement from the portable terminal of the first user responsive to receipt of the user-specified information and said retrieval condition from the second user and transmitting said

advertisement to a device of the second user. The Examiner answers that Pradhan teaches a first user (i.e. persons carrying an advertisement in a mobile terminal) transmitting the advertisement by the first person to a potential customer based upon user's specified information from the second person (i.e. advertisement preference profile) and transmitting an advertisement from the first person to the second person based upon said specifying information (i.e. potential consumer profile) (see paragraphs 105-108). Therefore, contrary to Applicant's argument, Pradhan teaches Applicant's claimed invention.

The Applicant argues that Pradhan does not teach transmitting the advertising information between the portable terminal device of the person and the portable terminal device of the consumer". The Examiner answers that Pradhan teaches transmitting advertisements from a person acting as an advertisement mobile station to a potential consumer based upon said consumer's profile preferences (see paragraphs 105-107). Therefore, contrary to Applicant's argument, Pradhan teaches Applicant's limitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

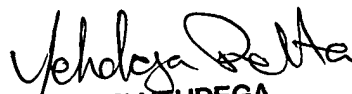
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
December 15, 2007.



RETTA YEHDEGA
PRIMARY EXAMINER